



William B. Goodrum, Sr.  
Vice President, Water Resources  
6300 Bee Cave Road, Bldg. Two, Suite 500  
Austin, TX 78746-5149  
1.512.433.5386 office; 1.512.433.5203 fax

October 8, 2013

Texas Commission on Environmental Quality  
Office of Water  
Water Rights Permitting and Availability Division  
PO Box 13088  
MC-160  
Austin, Texas 78711

RECEIVED  
TCEQ  
WATER SUPPLY DIV.  
2013 OCT 11 PM 3 28

Subject: Application for a bed and banks authorization for conveyance of privately-owned groundwater, Splendora Property, Liberty County Texas

Dear Sir or Madam:

Enclosed please find a check in the amount of \$1,011.25 for filing and recording fees associated with the above referenced permit application.

Additional enclosures include an original signed and notarized application form and six copies of the form and supporting materials (Attachments A –E).

Please contact me at (936) 366-0800 or [BillGoodrum@forestargroup.com](mailto:BillGoodrum@forestargroup.com) if additional information is required, or if you have any questions. Thank you for your assistance.

Sincerely,

William Goodrum, Sr.  
Vice-President

cc:

Mark Loethen  
Deputy Director Planning and Development Services Division  
Department of Public Works and Engineering  
City of Houston

Jun Chung  
Deputy Director Public Utilities Division  
Department of Public Works and Engineering  
City of Houston

Ed McCarthy  
Jackson, Sjoberg, McCarthy & Wilson, LLP

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY  
APPLICATION FOR PERMIT TO APPROPRIATE STATE WATER  
(SECTION 11.121, 11.042, 11.085 OR 11.143, TEXAS WATER CODE)  
TAC CHAPTERS 30, 50, 281, 287, 288, 295, 297 AND 299  
Water Supply Division, Water Rights Permitting MC-160**

**P.O. Box 13087**

**Austin, Texas 78711-3087**

**Telephone (512) 239-4691, FAX (512) 239-4770**

(if including a check, mail directly to P.O. Box 13088, Austin, TX 78711-3088)

Notice: This form will not be processed until all delinquent fees and/or penalties owed to the TCEQ or the Office of the Attorney General on behalf of the TCEQ are paid in accordance with the Delinquent Fee and Penalty Protocol.

**1. Applicant Information.**

A. Applicant Name(s): Forestar (USA) Real Estate Group, Inc

Mailing Address: 6300 Bee Caves Rd., Bldg. 2, Suite 500

Austin, Texas 78746-5149

Telephone Number: (936) 639-0660 (Lufkin Office)

Fax Number: \_\_\_\_\_

Email Address: BillGoodrum@forestargroup.com

B. Customer Reference Number (if issued): CN 603055799

**Note:** If you do not have a Customer Reference Number, complete Section II of the Core Data Form (TCEQ-10400) and submit it with this application.

C. Fees and Penalties

Applicant owes fees or penalties?

☐ Yes

☒ No

If yes, provide the amount and the nature of the fee or penalty as well as any identifying number:

Forestar has no outstanding fees or penalties owed to TCEQ.

D. Lienholder Information

Provide this information on the holder of any liens on any land to which the water right would be appurtenant):

The land currently has no liens filed against it.

**2. Dam (structure), Reservoir and Watercourse Data.**

*Not applicable - No dams or reservoirs associated with the bed and banks application*

Type of Storage Reservoir (indicate by checking (✓) all applicable)

☐ on-channel   ☐ off-channel   ☐ existing structure   ☐ proposed structure\*   ☐ exempt structure\*\*

\* Applicant shall provide a copy of the notice that was mailed to each member of the governing body of each county and municipality in which the reservoir, or any part of the reservoir, will be located as well as copies of the certified mailing cards.

\*\* TWC Section 11.143 for uses of water for other than domestic, livestock, or fish and wildlife from an existing, exempt reservoir with a capacity of 200 acre-feet or less. Please complete Paragraph 6 below if proceeding under TWC 11.143.

Date of Construction: \_\_\_\_\_

RECEIVED  
TCEQ  
WATER SUPPLY DIV.  
2013 OCT 11 PM 3 28

B. Location of Structure No. *Not applicable* \_\_\_\_\_

- 1) Watercourse: \_\_\_\_\_  
2) Location from County Seat: \_\_\_\_\_ miles in a \_\_\_\_\_ direction from \_\_\_\_\_  
\_\_\_\_\_ County, Texas.

Location from nearby town (if other than County Seat): \_\_\_\_\_ miles in a \_\_\_\_\_ direction  
from \_\_\_\_\_, a nearby town  
shown on county highway map.

- 3) Zip Code: \_\_\_\_\_  
4) The dam will be/is located in the \_\_\_\_\_ Original Survey No. \_\_\_\_\_  
Abstract No. \_\_\_\_\_ in \_\_\_\_\_ County, Texas.  
5) Station \_\_\_\_\_ on the centerline of the dam is \_\_\_\_\_° \_\_\_\_\_ (bearing), \_\_\_\_\_ feet  
(distance) from the \_\_\_\_\_ corner of \_\_\_\_\_ Original Survey  
No. \_\_\_\_\_, Abstract No. \_\_\_\_\_, in \_\_\_\_\_ County,  
Texas, also being at Latitude \_\_\_\_\_°N, Longitude \_\_\_\_\_°W.  
Provide the Latitude and Longitude coordinates in decimal degrees, to at least six decimal places, and indicate  
the method used to calculate the diversion point location.

C. Reservoir: *Not applicable*

- 1) Acre-feet of water impounded by structure at normal maximum operating level: \_\_\_\_\_  
2) Surface area in acres of reservoir at normal maximum operating level: \_\_\_\_\_

D. Drainage Area *Not applicable*

The drainage area above the dam is \_\_\_\_\_ acres or \_\_\_\_\_ square miles.

E. Other *Not applicable*

- 1) If this is a U.S. Natural Resources Conservation Service (NRCS) (formerly Soil Conservation  
Service (SCS)) floodwater-retarding structure, provide the Site No. \_\_\_\_\_  
and watershed project name \_\_\_\_\_.  
2) Do you request authorization to close the "ports" or "windows" in the service spillway?  
☐ Yes ☐ No

3. Appropriation/Diversion Request (total amount of water needed, including maximum projected  
uses and accounting for evaporative losses for off-channel storage, if applicable).

*Not applicable – No surface water to be appropriated nor diverted. Please see Attachment A  
"Evaluation of Groundwater Discharge and Bed and Banks Conveyance, Liberty County, Texas."*

A. Appropriated water will be used as follows: *Not applicable – no surface water to be appropriated*

	Purpose*	Place of Use	Acre-feet per year
1)	N/A	N/A	N/A
2)			
3)			

\*If agricultural use, list crops(s) to be irrigated:

B. Lands to be irrigated (if applicable): *Not applicable*

- 1) Applicant proposes to irrigate a total of N/A acres in any one year. This acreage is all of or part of a larger tract(s) which is described in a supplement attached to this application and contains a total of \_\_\_\_\_ acres in \_\_\_\_\_ County, Texas. A copy of the deed(s) describing the overall tract(s) with the recording information from the county records is attached.
- 2) Location of land to be irrigated: In the \_\_\_\_\_  
Original Survey No. \_\_\_\_\_, Abstract No. \_\_\_\_\_.

C. Diversion Point No. One.

- 1) Watercourse: Anywhere above or around the perimeter of Lake Houston, Harris County,
- 2) Location of point of diversion at Latitude TBD °N, Longitude TBD °W.  
Provide Latitude and Longitude coordinates in decimal degrees, to at least six decimal places, and indicate the method used to calculate the diversion point location.  
*Diversion location (s) will be as authorized in Certificate of Adjudication 10-4965.*  
also bearing \_\_\_\_\_ °, \_\_\_\_\_ feet  
(distance) from the \_\_\_\_\_ corner of the \_\_\_\_\_  
Survey No. \_\_\_\_\_, Abstract No. \_\_\_\_\_, County, Texas.
- 3) Location from County Seat: Approx 28 miles in a northeasterly direction from  
City of Houston, Harris County, Texas.  
Location from nearby town (if other than County Seat): \_\_\_\_\_ miles in a \_\_\_\_\_  
direction from \_\_\_\_\_, a nearby town shown on county  
highway map.
- 4) Zip Code: TBD- several zip codes surround Lake Houston
- 5) The diversion will be (check (√) all appropriate boxes and if applicable, indicate whether existing or proposed):

	Existing	Proposed
Directly from stream		
From an on-channel reservoir		
From stream to an off-channel reservoir		
From a stream to an on-channel reservoir	As authorized in Certificate of Adjudication 10-4965	
From an off-channel reservoir		
Other method (explain fully, use additional sheets if necessary)	See Attachment A- diversion will be groundwater	See Attachment A - diversion will be groundwater

6) Rate of Diversion (Check (√) applicable provision): - *The Anticipated maximum rate of diversion from Lake Houston is 13,646 gpm (East Fork conveyance) or 13,761 gpm (Luce Bayou); the location and facilities to divert groundwater are to be determined*

TBD 1. Diversion Facility:

- A. \_\_\_\_\_ Maximum gpm (gallons per minute)
- B. \_\_\_\_\_ Number of pumps
- C. \_\_\_\_\_ Type of pump
- D. \_\_\_\_\_ gpm, Pump capacity of each pump

RECEIVED  
TCEQ  
WATER SUPPLY DIV.  
MAY 11 11 PM 3 28

E. Portable pump \_\_\_\_\_ Yes or \_\_\_\_\_ No.

TDB 2. If by gravity:

A. \_\_\_\_\_ Headgate \_\_\_\_\_ Diversion Dam \_\_\_\_\_ Maximum gpm

B. \_\_\_\_\_ Other method (explain fully - use additional sheets if necessary)

7) The drainage area above the diversion point is \_\_\_\_\_ acres or \_\_\_\_\_ square miles.

D. Return Water or Return Flow (location and quantity information, provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places and indicate the method used to calculate the diversion point location):

Water which is diverted but not consumed as a result of the above stated use, will be returned to

N/A, tributary of \_\_\_\_\_

\_\_\_\_\_, tributary of \_\_\_\_\_,

\_\_\_\_\_ Basin, at a point which is at Latitude \_\_\_\_\_

\_\_\_\_\_ °□□□N, Longitude \_\_\_\_\_ °W, also, bearing

\_\_\_\_\_ ° (direction), \_\_\_\_\_ feet (distance) from the

\_\_\_\_\_ corner of the \_\_\_\_\_ Original Survey

No. \_\_\_\_\_, Abstract No. \_\_\_\_\_, in \_\_\_\_\_ County, Texas.

Zip Code: \_\_\_\_\_

Estimated **annual** amount of return flow to said stream will be \_\_\_\_\_ acre-feet.

E. Surplus Water (provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places and indicate the method used to calculate the diversion point location):

Water which is diverted but not used beneficially will be returned to N/A,

tributary of \_\_\_\_\_ Basin at a point

which is at Latitude \_\_\_\_\_ °N, Longitude \_\_\_\_\_ °W, also

bearing \_\_\_\_\_ ° (direction), \_\_\_\_\_ feet

(distance) from the \_\_\_\_\_ corner of the \_\_\_\_\_ Original Survey

No. \_\_\_\_\_, Abstract No. \_\_\_\_\_, in \_\_\_\_\_ County, Texas.

Zip Code: \_\_\_\_\_

**4. Discharge Point Information** (if applicable, provide Latitude and Longitude coordinates in decimal degrees to at least six decimal places and indicate the method used to calculate the diversion point location).

*The application covers two potential sites at which groundwater would be discharged in watercourse(s) for conveyance as described herein as "East" and "West."*

Discharge Point No. or Name: East

Applicant will discharge groundwater at one or two discharge points in Liberty County from the applicant's property into watercourse(s) for conveyance to a downstream diversion point: 1) Tarkington Bayou (East) and 2) Orange Branch, San Jacinto River basin (West). Information for the West Discharge Point is provided on the Supplemental Discharge Information Sheet. Please see Attachment B for locations of stream segments and Attachment C for photographs of potential discharge points.

A. Select the appropriate box for the source of water being discharged:

☐ Treated effluent

☒ Groundwater

☐ Other \_\_\_\_\_

- B. Location of discharge point will be a stream segment extending between approximately Latitude 30.24276° N, Longitude 95.028589°W and Latitude 30.226818° N, Longitude 95.019251°W.

also bearing \_\_\_\_\_°, \_\_\_\_\_ feet from the \_\_\_\_\_ corner of the \_\_\_\_\_

Original Survey No. \_\_\_\_\_, Abstract No. \_\_\_\_\_, in \_\_\_\_\_

Liberty County, Texas.

What method was used to determine the Latitude and Longitude for the discharge point? (i.e., GPS Unit, USGS 7.5 Topographic Map, etc.)

Exact location of the groundwater discharge point(s) has not been identified; however, the coordinates for the northern and southern points of the stream segment for the East discharge points were identified by projecting a USGS 7.5 Minute Topographic Map layer in the NAD 1983 coordinate system in ArcGIS. Points (shapefile) were then assigned to the upstream and downstream locations of the stream segment and latitudinal and longitudinal values were calculated using the 'Calculate Geometry' function in ArcGIS. Attachment B provides a USGS topographical map showing stream segments within which the discharge point(s) will be located.

Location from County Seat: Approximately 18 miles in a northwesterly direction from Liberty (county seat), Liberty County, Texas.

Location from nearby town (if other than County Seat): \_\_\_\_\_ miles in a \_\_\_\_\_ direction from \_\_\_\_\_, a nearby town shown on county highway map.

- D. Zip Code: 77535
- E. Water will be discharged into Tarkington Bayou [stream/reservoir, (tributaries) San Jacinto Basin.
- F. Water will be discharged at a maximum rate of 31.22 cfs (14,000 gpm).
- G. The amount of water that will be discharged is up to 10,000 acre-feet per year.
- H. The purpose of use for the water being discharged will be municipal, industrial, steam electric, hydro-electric, mining and oil and gas, recreation, instream and environmental, and irrigation
- I. Additional information required:

For groundwater *Please see Technical Report*

- 1) Provide water quality analysis and 24 hour pump test for the well if one has been conducted. Drilling of a test well was initiated during September 2013; however, *water quality analysis or pump test reports have been completed as of date of application submittal. Results will be provided prior to discharge if requested.*
- 2) Locate and label the groundwater well(s) on a USGS 7.5 Minute Topographic Map. See *Attachment B.*
- 3) Provide a copy of the groundwater well permit if it is located in a Groundwater Conservation District. *Not applicable – Liberty County is not located within the jurisdiction of a groundwater conservation district.*
- 4) What aquifer the water is being pumped from? *Groundwater will be produced from the Evangeline Aquifer, part of the Gulf Coast aquifer system*

For treated effluent *Not applicable*

- 1) What is the TPDES Permit Number? Provide a copy of the permit.
- 2) Provide the monthly discharge data for the past 5 years.
- 3) What % of treated water was groundwater, surface water?
- 4) If any original water is surface water, provide the base water right number.

##### 5. General Information. To Be Determined

RECEIVED  
TCEQ  
WATER SUPPLY DIV.  
2013 OCT 11 PM 3:29

- A. The proposed or existing diversion works will be (are) located on the land of- anywhere above or around the perimeter of Lake Houston. Landowner information will be provided at such time as the exact diversion point is identified and prior to construction (if required) or actual diversion of the groundwater, whose mailing address is \_\_\_\_\_
- B. If an application for the appropriation is granted, either in whole or in part, construction works will begin within TBD after such permit is issued. The proposed work will be completed within \_\_\_\_\_ from the date the permit is issued.
- C. A Water Conservation Plan is attached? \_\_\_\_\_ Yes ☒ No. (Water supply agreement with purchaser will require customer to have compliant conservation and drought management plans. The required plans will be submitted prior to discharge and diversion. )
- D. ☒ Interbasin transfer is not requested. Not Applicable for a groundwater bed and banks transport application.

\_\_\_\_\_ Applicant requests authorization to transfer \_\_\_\_\_ acre-feet of water per year from the \_\_\_\_\_ Basin to the \_\_\_\_\_ Basin of which \_\_\_\_\_ acre-feet of water will be used for \_\_\_\_\_ purposes and \_\_\_\_\_ acre-feet of water will be used for \_\_\_\_\_ purposes.

- E. ☒ Bed and Banks request to transfer up to 10,000 acre-feet of water per year within the bed and banks of East Fork of San Jacinto River or Luce Bayou (as described in Attachment A) tributary of San Jacinto River. San Jacinto Basin.
- F. Is this project located within 200 river miles of the coast? ☒ Yes \_\_\_\_\_ No \_\_\_\_\_ Unknown \_\_\_\_\_  
Note: This project does not involve any state water subject to Chapter 11, Texas Water Code.

5. **Maps, plats, plans, and drawings accompany this application as required by applicable TAC Sections.**

☒ Yes \_\_\_\_\_ No. Attach additional sheets. Attachment B (USGS map) and Attachment C (photographs representative of discharge sites)

6. N/A The dam(s) and reservoir(s) shown on the attached application was (were) constructed for domestic and livestock purposes and I/we elect to seek a permit under Section 11.143 of the Texas Water Code.

7. Provide information describing how this application addresses a water supply need in a manner that is consistent with the state water plan or the applicable approved regional water plan for any area in which the proposed appropriation is located or, in the alternative, describe conditions that warrant a waiver of this requirement.

This water supply is available to augment existing supplies to meet current and projected municipal, industrial, steam-electric, hydro-electric, mining and oil and gas, recreation, instream and environmental, and irrigation water demands. Because the bed and banks request is to convey privately owned groundwater and not surface water, provisions of Chapter 11, including §11.134 (c), Texas Water Code, generally do not apply.

W B Goodrum, Jr.

Applicant Name (Sign)

William B. Goodrum, Jr.

Applicant Name (Sign)

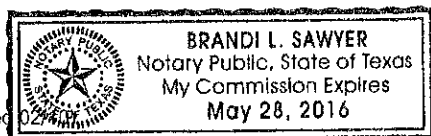
**William Goodrum, Sr.,**

acting in his capacity as Vice-President, Environmental Affairs  
for Forestar (USA) Real Estate Group, Inc., the Applicant/Owner

Applicant Name (Printed)

Applicant Name (Printed)

SWORN TO AND SUBSCRIBED before me this 8th day of October, 20 13.



Brandi L. Sawyer  
Notary Public for the State of Texas

## Supplemental Discharge Point Information Sheet

Discharge Point No. or Name: West

Applicant will discharge groundwater at one or two discharge points in Liberty County from the applicant's property into watercourse(s) for conveyance to a downstream diversion point: 1) Tarkington Bayou (East) and 2) Orange Branch, San Jacinto River basin (West). Information for the East Discharge Point is provided in the main body of the application (Section 4). Please see Attachment B for identified stream segments and Attachment C for photographs of potential discharge points.

- 1) Select the appropriate box for the source of water being discharged:

- ☐ Treated effluent  
☒ Groundwater  
☐ Other \_\_\_\_\_

- 2) Location of discharge point will be in a stream segment extending between Latitude 30.234848° N, Longitude 95.064980° W and Latitude 30.226211° N, Longitude 95.071526° W.

also bearing \_\_\_\_\_°, \_\_\_\_\_ feet from the \_\_\_\_\_ corner of the \_\_\_\_\_

Original Survey No. \_\_\_\_\_, Abstract No. \_\_\_\_\_, in Liberty County, Texas.

**Provide Latitude and Longitude coordinates in decimal degrees, to at least six decimal places and indicate the method was used to determine the Latitude and Longitude for the discharge point? (i.e., GPS Unit, USGS 7.5 Topographic Map, etc.)**

Exact location of the groundwater discharge point(s) has not been identified; however, the coordinates for the northern and southern points of the stream segment for the West discharge points were identified by projecting a USGS 7.5 Minute Topographic Map layer in the NAD 1983 coordinate system in ArcGIS. Points (shapefile) were then assigned to the upstream and downstream locations of the stream segment and latitudinal and longitudinal values were calculated using the 'Calculate Geometry' function in ArcGIS. Attachment B provides a USGS topographical map showing stream segments within which the discharge point (s) will be located.

- 3) Location from County Seat Approx: 20.5 miles in a northwesterly direction from Liberty (county seat), Liberty County, Texas.

Location from nearby town (if other than County Seat): \_\_\_\_\_ miles in a \_\_\_\_\_ direction from \_\_\_\_\_, a nearby town shown on county highway map.

- 4) Zip Code: 77535

- 5) Water will be discharged into Orange Branch, East Fork of San Jacinto stream/reservoir, (tributaries) San Jacinto River Basin.

- 6) Water will be discharged at a maximum rate of 31.22 cfs (14,000\_gpm).

- 7) The amount of water that will be discharged is up to 10,000 acre-feet per year.

- 8) The purpose of use for the water being discharged will be municipal, industrial, steam-electric, hydro-electric, mining and oil and gas, recreation, instream and environmental, and irrigation.

- 9) Additional information required:

For groundwater

1. Provide water quality analysis and 24 hour pump test for the well if one has been conducted.  
*Drilling of a test well was initiated during September, 2013; however, water quality analysis or pump test reports have not been completed as of date of application submittal; results will be provided prior to discharge if requested*
2. Locate and label the groundwater well(s) on a USGS 7.5 Minute Topographic Map See Attachment B.
3. Provide a copy of the groundwater well permit if it is located in a Groundwater Conservation District. *Not applicable. Liberty County is not within the jurisdiction of any groundwater conservation district.*

RECEIVED  
TCEQ  
WATER SUPPLY DIV.  
2013 OCT 11 PM 3 29



4. What aquifer the water is being pumped from? *Groundwater will be produced from the Evangeline Aquifer, part of the Gulf Coast aquifer system.*

For treated effluent *Not applicable*

1. What is the TPDES Permit Number? Provide a copy of the permit.
2. Provide the monthly discharge data for the past 5 years.
3. What % of treated water was groundwater, surface water?
4. If any original water is surface water, provide the base water right number.

RECEIVED  
TCEQ  
WATER SUPPLY DIV.  
2013 OCT 11 PM 3 29